IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
CRIMINAL APPLICATION NO.2304 OF 2005
IN
CRIMINAL APPEAL NO.1485 OF 2004

Namdeo Motiram Waghere Applicant

Vs.

State of Maharashtra Respondent

Mr.S.A.Rajeshirke h/f. Mr.M.S.Karnik for applicant.
Mrs.A.S.Pai, APP for State.

CORAM: B.H.MARLAPALLE & SMT.R.S.DALVI,JJ.

January 17, 2006.

P.C.

1. The applicant prays for being released on bail during the pendency of Criminal Appeal No.1485 of 2004 which has been admitted by this Court against an order of conviction and sentence passed in Sessions Case No.91 of 2003 for an offence punishable under Section 302 of IPC.

2. The prosecution case is based on the evidence of several witnesses and PW 1. The Medical Officer stated that the cause of death was due to haemorrhagic shock due to intestinal perforation and rupture of liver due to stab injury over umbilical region of abdomen. PW 2 and PW 4 were the eye witnesses. We have also considered the dying

declaration. Having considered the arguments advanced in support of this application and the evidence considered by the learned Sessions Judge, we are not inclined to release the applicant on bail by suspending the order of sentence under Section 389 of Cr.P.C. The application is, therefore, rejected. However, the applicant is at liberty to apply for early hearing of his appeal and he is at liberty to supply private paper book, if so advised.

(SMT.R.S.DALVI,J.) (B.H.MARLAPALLE,J.)